A#/ 3682
#2/Repl Brief
10-18-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Reasoner

Serial No.: 09/115,764

Group Art Unit: 3682

Filed: July 15, 1998

Examiner: V. Luong

For: CONDUIT SHORTENING ADJUSTMENT ASSEMBLY

REPLY BRIEF

Assistant Commissioner for Patents
Washington, D.C. 20231

This is in response to the examiner's answer mailed on August 14, 2000.

Summary of Arguments

Noted
VL
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The examiner argues that claims 4, 5, 17-21, 23-27, and 37-40 are anticipated by one of three references: Teichert '783, Glover '809, and Adams '689. For a reference to anticipate a claim, the reference must show each and every feature of that claim. Each of these claims includes the limitation of a spring interacting between adjustment components to bias the components together to shorten the overall length of the conduit sections. None of the cited references discloses such a limitation.

Further, each of these claims includes multiple limitations that are not shown in any of the cited references. These arguments are presented in detail in appellant's original brief. However, each of these references is easily avoided based on the following arguments.

CERTIFICATE OF MAIL

I hereby certify that the enclosed Reply Brief is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Assistant Commissioner of Patents, Washington D.C. 20231 on September 28, 2000.

Lesley Ramault

Teichert '783 Patent

Claims 4, 17, 20, and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by the Teichert '783 patent. Each of these claims includes the limitation of a flexible motion transmitting core element that is "movably supported in said conduit sections . . ."

This is a limitation that is well known in the art to mean that the core element 12 transmits motion with respect to the conduit sections. There is no other interpretation that one skilled in the art would give to this language.

The examiner seems to be arguing that the limitation "movably supported in said conduit sections" means that the core element is "fixed to" and "movable with" the conduit sections, however the examiner is only applying this interpretation to one-half of the cable assembly. For the other half of the cable assembly the examiner interprets the language "movably supported in" by the meaning given by one skilled in the art. A single claim limitation cannot be given two contradictory interpretations as the basis for an anticipation rejection.

If, as the examiner argues, "movably supported in" means "fixed to" and "movable with," then both conduit sections 36, 58 in Teichert would have to be fixed to the core element 12 and there could be no adjustment in any direction because the conduits 36, 58 and core 12 would be moving together as a solid piece. The examiner cannot argue on one hand that the limitation "movably supported in" the conduit means that conduit 58 is fixed to and movable with core 12 for one end of the cable assembly while arguing on the other hand that the same limitation also means that core 12 is movable relative to conduit 36 for the opposite end of the cable assembly. This argument

clearly contradicts the claim language and cannot be the basis for an anticipation rejection under 35 U.S.C. 102(b). Thus, the rejection is improper and should be withdrawn.

Glover '809 Patent

Claims 4, 5, 17-21, and 23-27 stand rejected under 35 U.S.C. 102(b) as being anticipated by the Glover '809 patent. Each of these claims includes the limitation of a spring 22 interacting between adjustment components 18, 20 to bias the components 18, 20 together to shorten the overall length of the conduit sections 14, 16. The Glover '809 patent does not disclose the shortening of the overall lengths of the conduit sections 7, 9.

The Glover '809 patent discloses the shortening of only one of the conduit sections, i.e., conduit 7. The examiner argues that at col. 4, lines 13-33, Glover discloses conduit shortening. Glover does disclose shortening of conduit section 7, but does not disclose that conduit 9 is also simultaneously shortened and further does not disclose the use of the spring to shorten the overall lengths of both conduit sections. The shortening that Glover discloses is the "shortening of the real length of the sleeve part 7 lying between the anchor 8 and the collet members 31." The conduit section 9 is on the opposite side of the cable assembly from both the anchor 8 and the collet members 31. Thus, only conduit section 7 is shortened and not conduit section 9. As discussed in detail in appellant's brief at pages 9-10, when conduit section 7 is moved in one direction, i.e., shortened by moving to the left, the conduit section 9 is also moved to the left so that there is no "shortening" of the overall length of the conduits together. Thus, the rejection is improper and should be withdrawn.

Adams '689 Patent

Claims 20, 28, and 37-40 stand rejected under 35 U.S.C. 102(b) as being anticipated by the Adams '689 patent. Each of these claims includes the limitation of a spring 22 interacting between adjustment components 18, 20 to bias the components 18, 20 together to shorten the overall length of the conduit sections 14, 16.

At page 14 of the examiner's answer, the examiner argues that "when the internal teeth 12 on the locking sleeve 11 are brought into engagement with the external teeth on the sheath end-piece 14, the length of the Bowden cable sheath or conduit sections . . . is reliably fixed and held. In other words, Adams uses the spring 20 to eliminate the slack in the conduit sections by bringing the two conduit sections close together as seen in Fig. 1." Although the examiner implies that these two sentences are equivalent, there is no logical connection between the examiner's first and second sentences. The actuating sleeve 21 actuates the locking member 11 by rotational input. As the actuating sleeve 21 is rotated, the internal teeth 12 of the locking member 11 are brought into engagement with the external teeth 18 on the end-piece 14 to hold the cable length fixed. However, this locking operation has nothing to do with the operation of the spring 20. The spring 20 urges the end-piece 14 away from the support sleeve 3 to *lengthen* the overall length of the conduits. The examiner has overlooked that this operation of the spring is independent from the operation of the locking member 11 and is clearly set forth in claim 2, col. 4, lines 9-11.

In summary, Adams does not teach the use of a spring interacting between adjustment components to shorten overall conduit length as claimed by appellant but

instead teaches the opposite, i.e., Adams teaches lengthening of the overall conduit length. Thus, the rejection is improper and should be withdrawn.

Respectfully submitted,

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